

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

OGS is providing the following "How to Use Guidelines" to assist authorized users to correctly use the Security and Facility Systems and Solutions Contracts. These Guidelines do not relieve the Contractors and authorized users from complying with the Terms and Conditions of the awarded Contracts or with all applicable statutes, regulations, internal procurement guidelines, policies and procedures as well as control agency requirements.

I. Contract Overview:

1. Scope. These Contracts are established to provide physical security & facility products, installation, system integration and maintenance of the systems installed.

Authorized users may obtain full solutions for the security & facility products and systems identified within the selected Contract(s) including all materials, installation, labor and maintenance. This includes public works labor (New York State Labor Law Article 8) including, but not limited to:

- A. Running, pulling, and blowing of cable, fiber optics, low voltage, and line voltage (110V and greater) wiring for security systems, fire alarms, electrical distribution systems, etc.
- B. Installing chillers, boilers, air handlers, and other related Article 8 work for Integrated Microprocessor-Controlled HVAC Equipment.
- C. Installing sprinkler piping, chemical suppression systems, etc.
- D. Mounting of cameras, equipment, lighting, panels, panel boards, etc.
- E. Other public work which is necessary to establish an entire physical security or facility system and solution.

All of these systems and solutions utilize software for operation and require programming, commissioning, and integration technical services to implement. The Article 8 work is inextricably integrated to the implementation of these systems and solutions. Authorized Users are responsible for ensuring that all plans and specifications for new and upgraded fire alarms and BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment are certified and stamped by a New York State Licensed Professional Engineer or Architect as required by New York State Law, regulations and applicable Building Codes.

The Security and Facility Systems and Solutions Contracts include all products, installation, systems integration, and maintenance for several types of systems including fire alarms, CCTV security systems, alarm systems, fire suppression and sprinkler systems, and other systems that integrate with these safety systems such as building automation systems, energy management systems, integrated microprocessor-Controlled HVAC equipment, public address systems, public safety communications networks, law enforcement data capture systems, Law Enforcement Records Management Systems (RMS), and Command Center Dispatch and Monitoring systems. These systems are offered as:

- a) part of or integrated with a physical security and facility system or
- b) part of or integrated with a law enforcement, public safety or emergency response system.

These Contracts shall not be used to obtain products or services which are not part of a physical security and facility system or a law enforcement, public safety or emergency response system. Examples of what is and is not included under this contract is contained on the following chart:

Security & Facility Systems and Solutions AWARD 20191

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<p>Building Automation System (BAS) which is a computerized system, operating on certain communications protocols (e.g. BACNet, LonTalk, Modbus, etc.) which manages, controls, and is integrated with the Integrated Microprocessor-Controlled HVAC Equipment in a building or facility. Building Management Systems and Building Control Systems are also subcategories of Building Automation Systems.</p>	
<p>Incidental work on structural, shell and roof components for tasks such as core drilling or boring to run wire is permissible if directly related to the installation of the security & facility systems.</p>	<p>The erection, construction, or reconstruction of buildings. These Contracts shall not be used to erect, construct or reconstruct building foundations, structural walls and columns, bearing walls, floors, roofing, and other similar physical super structure and shell components of a building.</p> <p>Providing non-structural, non-bearing walls which are not provided as part of a physical security and facility system but instead to create general purpose rooms/partitions (e.g. creating a classroom).</p> <p>General Building/Parking Lot/Recreation Yard paving shall not be obtain on this contract.</p> <p>General Purposes Doors and Windows shall not be obtained on this contract.</p>
<p>Cable (coaxial & fiber optic), wire, conduit, steel boxes, hangers, etc. must only be purchased from these contracts if used in conjunction with the physical security and facility system and solutions being purchased under these contracts.</p> <p>A physical security and facility system includes an emergency telephone system or pbx system expressly and solely used: A. To communicate fire or health and safety emergencies directly and solely to law enforcement organizations, or B. To identify an individual(s)' location in the event of a fire or emergency.</p> <p>Electrical Construction which is part of/integrated with/necessary for the implementation of a physical security and facility system and solution.</p> <p>Switchgear, Automatic Transfer Switches, Vehicle Chargers and affixed Generators which are Factory Installed/Factory-provided microprocessor controlled/containing systems and are integrated with the Physical Security and Facility Systems using</p> <p>Uninterruptable Power Supply (UPS) products and systems</p>	<p>General Purpose IT/Networking/Telecom/Audio-Video: The contract does not allow for cable (coaxial & fiber optic), wire, conduit, steel boxes, hangers, etc. to be purchased from these contracts for any other purposes, including, but not limited to: A. General Purpose IT, Telecommunications, Networking Cabling, Fiber Optics (e.g. phone, pbx, digital centrex, digital key systems, television, cable, T-Line, general broadband, etc.) B. Audio-Video equipment or systems (e.g. smart boards, projectors, studio broadcasting, conference rooms, video video conferencing equipment, Theatre Screens/Displays, etc.).</p> <p>Non-security and facility systems such as Solar/Photovoltaic Systems, Energy Systems (e.g. a hydroelectric power plant), Utility lines/systems, Medical Equipment (e.g. MRIs), Standard Lighting, Standard LED Lighting, portable generators, power quality, etc. shall not be obtained through these contracts.</p> <p>Electrical Construction which is not part of/integrated with/necessary for the implementation of physical security and facility systems and solutions shall not be obtained on this contract.</p> <p>Switchgear, Automatic Transfer Switches, Vehicle Chargers and affixed Generators which are not micro-processor controlled/containing systems and/or not integrated with the Physical Security and Facility Systems.</p>

Security & Facility Systems and Solutions AWARD 20191

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	Cloud/hosted services These Contracts cannot be used to obtain any Product or Service sold as an “as a service” offering or in which Authorized User Data is transmitted, acted upon, or stored on non-Authorized User equipment. This includes, but is not limited to, hosted applications, managed security services, and off-site Data storage. Cloud services such as IaaS, PaaS, SaaS, and XaaS shall not be obtained through these Contracts.
Command Center Dispatch and Monitoring Equipment/System , which are the consoles, Video-Wall Displays, monitoring devices, etc. used to enable command centers to monitor, communicate with, and respond to information from fleet management systems, law enforcement and first responder communications.	Audio-Video Equipment. Audio-video products such as projectors for classrooms, conference rooms or video conferencing equipment that is not integrated with a physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts.
Electronic Article Surveillance systems used to prevent the theft, pilfering, or unauthorized removal of products using RFID tags, barcodes, applicable security/law enforcement scanners & printers, and alarm devices.	General Purpose Printers and Scanners that are not integrated with the security & facility system being purchased such as general purpose printers, scanners, (e.g. multifunction printers, document scanners).
Inmate/Jail Records Management System using a database with information regarding specific inmates (e.g. physical features, identifying characteristics, etc.). Such systems may use information on RFID tags/wristbands, tags, scanners, etc. to track the location and status of inmates in a corrections facility. These systems are often integrated with a Guard Tour Management System.	General Purpose Management Systems for the retention of court papers, contracts, and personnel files, etc., which do not qualify as law enforcement records management systems shall not be obtained through these Contracts.
Energy Management Systems (EMS) , which are a computerized system, part of or integrated with the Building Automation System which controls portions of the Integrated Microprocessor-Controlled HVAC Equipment.	
Fleet Management Tracking Systems whereby devices are placed in or affixed to vehicles owned & operated by the authorized user, and used to provide data, including, but not limited to vehicle status, location, condition, etc. to a central Command Center or other tracking location.	Vehicle Acquisition and Maintenance This contract does not include the purchase, leasing, acquisition, inspection (including by DMV or other authorized personnel), maintenance, or service of vehicles of any kind. Roadside Check Devices where the devices are not integrated to either a total physical security & facility system or law enforcement/public safety communications network (including a Fleet Management System) shall not be obtained through these contracts.

Security & Facility Systems and Solutions AWARD 20191

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<p>Integrated Microprocessor-Controlled HVAC Equipment such as Chillers, Rooftop Units, Boilers, Air Handlers, Fan Coils, Unit Ventilators, Heat Pumps, Remote I/O Modules, etc. which:</p> <ul style="list-style-type: none"> a) are Factory-Mounted [Installed]/Factory-Provided Microprocessor-Controlled, b) require technical skill to program, integrate, and commission, c) Is used in the acquisition, storage, manipulation, management, movement, control, display, switching, interchange, transmission, or reception of data (e.g. Temperature, air pressure, smoke, carbon monoxide, energy Consumption, etc.), and d) are integrated with the Building Automation Systems or Energy Management System to allow the Building Automation System or Energy Management System to monitor the performance of these products by the authorized user. <p>This information must be documented in the Authorized User's procurement record.</p> <p>Note: For item c) above, not all of the functions need to be performed by the integrated Microprocessor-Controlled Equipment, but some of these do need to be performed to be integrated. Also, by "Data" OGS is referring to any information, signaling, reports, etc. regarding the system/equipment operations.</p> <p>To determine if the Integrated Microprocessor-Controlled HVAC Equipment is "Integrated" to the BMS, authorized users should use the following test:</p> <ul style="list-style-type: none"> a) Does the BMS/EMS/Integrated Microprocessor-Controlled HVAC Equipment automatically and electronically collect, receive, access, transmit, display, store, record, retrieve, analyze, evaluate, process, classify, manipulate, manage, assimilate, control, communicate, exchange, convert, converge, inter-face, switch, or disseminate data: b) Does the Integrated Microprocessor-Controlled HVAC Equipment actively and automatically make recommendations/receive recommendations or commands from the Building Automation Systems/Energy Management System and c) If an IP-based system, does the Building Automation System/Energy Management System need to be configured to allow for the IP address on the Equipment? 	<p>Plumbing systems This contract does not include the assembly, installation and repair of pipes, fittings, and fixtures of sewer/waste, water, and drainage systems and plumbing fixtures, such as sinks, commodes, bathtubs, showers, water fountains, water heaters hot water tanks, garbage disposal units, dishwashers, and water softeners. The repair and maintenance of plumbing by replacing washers in leaky faucets, mending burst pipes, and opening clogged drains is not allowed.</p> <p>General Ductwork, Piping, etc. shall not be obtained on these contracts.</p> <p>Chillers, rooftop units, boilers, air handlers, fan coils, unit ventilators, heat pumps, remote I/O modules, etc. which are not:</p> <ul style="list-style-type: none"> A. Factory Installed/Factory-Provided micro-processor-controlled (included/controlled), or B. Which are not integrated with the Building Automation Systems or Energy Management Systems, shall not be obtained on this contract. <p>Cold Storage/Food Cook/Chill Systems used to warehouse and store food and beverages shall not be obtained on this contract.</p> <p>The provision, installation, systems integration or maintenance of Cooling Towers shall not be obtained on this contract.</p>

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<p>Integrated BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment System means:</p> <p>a) that the fire alarm system, cctv system, or access control system is integrated to the BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment System using a device including, but not limited to, a router, gateway, Fire Alarm Interface Panel (FIAP), and/or other similar device, which utilize certain protocols (e.g. BACNet, LonTalk, Modbus, etc.) to communicate among these systems; and</p> <p>b) that the Building Automation System or fire alarm system allows for monitoring of all of these systems by the authorized user via a single platform or integrated platforms/systems.</p> <p>Note: For item #1 above, not all of the functions need to be performed by the BAS/EMS/integrated Microprocessor-Controlled Equipment, but some of these do need to be performed to be integrated. Also, by "Data" OGS is referring to any information, signaling, reports, etc. regarding the system/equipment operations.</p>	<p>BAS/EMS/HVAC Equipment that are not integrated with a physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts.</p>
<p>Testing and Balancing of Integrated Microprocessor-Controlled HVAC shall be when an independent vendor, which:</p> <p>a) Is certified by either the Associated Air Balance Council Bureau - AABC, Los Angeles, Cal. 90026 or by the National Environmental Balancing Bureau - NEBB, Arlington, Va. 22209,</p> <p>b) Is an approved subcontractor to a contractor providing Integrated Microprocessor-Controlled HVAC Equipment product, installation, systems integration, or maintenance; and</p> <p>c) As part of and in conjunction with the contractor providing the aforementioned installation, systems integration, or maintenance of Integrated Microprocessor-Controlled HVAC Equipment;</p> <p>Cleans, tests, and balances the Integrated Microprocessor-Controlled HVAC Equipment in accordance with Code Requirements.</p>	<p>Cleaning/Treatment of Cooling Towers to prevent Legionnaires Disease (DEC Category 7G) shall not be obtained on this contract.</p>
<p>Inventory Management System shall mean an electronic, computer-based database system used for tracking inventory, and is integrated with Electronic Article Surveillance (EAS) systems. Inventory Management Systems must be integrated to existing physical security and facility systems.</p>	<p>Installation or Affixing Inventory Management tags. This contract does not include the purchase of services to actually place or affix the RFID tags, barcodes, as needed by an authorized user.</p>
<p>Law Enforcement Data Capturing System means electronic devices such as scanners, mobile data terminals, handheld computers, etc. used by law enforcement to capture and track data/evidence from crime scenes, arrests, etc., which are integrated with a law enforcement, public safety or emergency response system.</p> <p>Legal Compliance: Any law enforcement data capture can only be used by authorized users in accordance with Federal and State Constitutional, Statutory, Administrative, and Case Law. However, warrantless surveillance and other prohibited actions are not permitted to be obtained from these Contracts.</p>	<p>General purpose non-security based products The contract does not allow for IT or Telecom networking, or other products which are not integrated into a physical security and facility purpose (not hardwired or affixed to buildings) or a law enforcement, public safety or emergency response system.</p> <p>Construction Scanners/Lasers which are used to determine the correct size, distance, measurements, etc. in the construction, reconstruction, alteration, repair, or maintenance of buildings, and subsystem of the same, or any other public work project.</p>

Security & Facility Systems and Solutions AWARD 20191

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Law Enforcement Records Management Systems (RMS) shall mean a computerized system which stores information regarding arrests, convictions, and other relevant information regarding crimes and criminals, including, but not limited to fingerprints, identifying physical characteristics (e.g. tattoos), etc. and is integrated with a livescan system used to capture, store and forward fingerprint or other identifying physical characteristic information.	General Purpose Records Management Systems which do not qualify as law enforcement records management systems shall not be obtained from these Contracts.
Mapping and Surveying products/systems are devices used to generate maps, topographic images, geospatial images, and other images of physical features of land.	Construction Scanners/Lasers which are used to determine the correct size, distance, measurements, etc. in the construction, reconstruction, alteration, repair, or maintenance of buildings, and subsystem of the same, or any other public work project.
Mobile Data Terminals such as specialized laptops, tablets, etc., used exclusively for fleet management, law enforcement data capture, or in-car (affixed) radio/public safety communications.	General Purpose IT laptops, tablets, phones, etc. that are not used exclusively for fleet management, law enforcement data capture, or in-car (affixed) radio/public safety communications shall not be obtained from these Contracts.
Nurse Call Systems used for multiple life-safety and emergency functions, including: 1) Patient call for nurse help, 2) Nurse communication to patient, 3) Code Blue critical emergency call initiation, and 4) Staff Emergency call initiation.	Personnel Medical Information and Medical Records such as a Health Insurance Records Management System and the associated databases, systems, etc. shall not be obtained through this contract.
Personal Alarm safety devices carried or worn by employees of a state institution (e.g., Correctional Facility, OMH Facility) to provide alarm notification in the event of an emergency or potential emergency (e.g. fight, assault on an employee, etc.).	
Public Address Systems for delivering messages, instructions, alerts, or other communications, via speakers/loudspeakers. This system shall contain an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. overrides any other function being performed or which could be performed by a Public Address System.	Use/Installation of Audio/video Equipment in Alternate Settings. Services and equipment for use and installation of audio visual systems/components such as video and audio conferencing equipment systems, theatre systems, speakers connected to a whiteboard/smart board/video screen, general theatre speakers, and portable speakers/sound systems that are not integrated with a physical security and facility system or are not part of or not integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts.
Time Management System means either: a) An analog, digital, master, or wireless time clocks which is integrated with a Public Address System or other physical security and facility system, b) A device hardwired or affixed to a building/facility or state property which records the entrance and exit of personnel or vehicles, in conjunction with allowing access to and from the building/facility or state property, or c) A device or system integrated with a Nurse Call or Public Address system to synchronize time for emergency and alarm notification.	Employee Time Management System such as punch or swipe-clocks for "time in" and "time-out" or a standalone "record-keeping" or "log" software whereby employees, managers, etc. enter their work times and absences that are not integrated with a physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts. Standalone analog, digital, master, or wireless clocks which are not integrated with a Public Address System or other physical security and facility system and solution shall not be obtained on this contract.

Security & Facility Systems and Solutions AWARD 20191

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<p>Asbestos and Pollution Abatement which is performed as part of and exclusively done for and with the installation, systems integration, or maintenance of total physical security and facility system or public safety/law enforcement communications system</p>	<p>Asbestos and Pollution Abatement which is not done as part of the installation, systems integration, and maintenance of a total physical security and facility system and solution or public safety/law enforcement system, such as a building/facility wide asbestos abatement.</p>
<p>Security and Facility Consulting and Design Services (Including Licensed Architects and Engineers) such as the preparation of plans, specifications, drawings, etc. where these services are provided by the contractor (including via a subcontractor) in conjunction with part of a total security and facility system and solution or public safety communications systems, and;</p> <p>A. The Contractor and its subcontractor(s) cannot rely on the Spearin Doctrine. All design error costs shall be borne solely by Contractor and its subcontractor(s)/partner(s); and</p> <p>B. The contractor is awarded either Lot 3 or Lot 5;</p>	<p>Standalone Consulting, Architectural, and Engineering Services where the contractor/subcontractor acts as the “Owner’s Representative” and is not providing any products, installation, integration, or maintenance of a total security and facility system/total law enforcement/public safety system and solution shall not be obtained on this contract.</p> <p>Consulting, Architectural, and Engineering Services which are for work/services/projects which does not fit the scope of RFP 20191 such as Plumbing Systems, Buildings, General Purpose Information IT and Telecom networking, Health Care, General Business Process/Organization/Management Consulting , Financial Consulting, etc. shall not be performed on this contract</p> <p>Note; For state agencies, any standalone professional architectural, engineering, or land surveying services must be procured in accordance with NYS State Finance Law Sec. 136.a.</p>
<p>Fire Suppression Systems such as Sprinkler Systems (wet, dry, pre-action), Chemical Suppression Systems, Water-based Suppression Systems, Fire Extinguishers, and Kitchen Hoods which are used to prevent and control fires by releasing a substance which either removes the heat, fuel, or oxygen necessary for a fire to spread.</p>	<p>Lawn, Gardening, and agricultural sprinklers used to water crops, plants, and horticulture shall not be obtained on this contract.</p>
<p>Patching (e.g. drywall) and Painting which:</p> <p>a) is being performed as part of and in conjunction with the installation, systems integration and maintenance of total security and facility systems, and</p> <p>b) is:</p> <p>i) Removed to permit physical access to enable the installation, integration, or maintenance of a physical security and facility systems,</p> <p>ii) Restored to return the affected area to its previous condition only after the successful completion of the installation, integration, or maintenance of the physical security and facility system</p>	<p>General Painting, Patching Work of/on a building, highway, etc. shall not be obtained on this contract.</p>

Security & Facility Systems and Solutions AWARD 20191

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Insulating/Removing Insulation from which: a) is being performed as part of and in conjunction with the installation, systems integration and maintenance of total security and facility systems, and b) is: i) Removed to permit physical access to enable the installation, integration, or maintenance of a physical security and facility systems, ii) Restored to return the affected area to its previous condition only after the successful completion of the installation, integration, or maintenance of the physical security and facility system, and iii) Installed to ensure the equipment/system which are part of a total security and facility system and solution operate in accordance with the manufacturer's recommendations and/or building codes.	Insulating/Removing Insulation from a building where the insulation is performed on an entire building or any portion thereof
Building/Facility CCTV/Cameras used to monitor or detect intrusion, motion, access/entry, exit, etc. from authorized users' physical facility premises and associated parking lots,	Toll/Revenue Collecting and Toll Violation Enforcement Cameras which are used to collect/invoice tolls, E-Z Pass, etc. shall not be obtained on these contracts. Video Conferencing, Television, General Purpose IT, and Audio/Visual cameras shall not be obtained on this contract.
	Monitoring of Emails, General Purpose IT/Telecommunications Networks, Social Media (e.g. Facebook, Twitter, etc.), Cellphones, Satellite Phones, etc. shall not be obtained on this contract.
In-Car mounting/docking stations for cameras, radios, and public safety communication network modems/routers which are part of/integrated with public safety communications networks/emergency response networks.	In car window-guards, security screens, and airbag switches shall not be obtained on this contract.
Public Safety Digital Signage System which are integrated to a physical security and facility system and shall be for delivering messages, instructions, alerts, or other communications, via the display monitor. These systems must contain an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. overrides any other function being performed or which could be performed by a Digital Signage System.	Use/Installation/Maintenance of General Purpose IT/Networking Digital Signage/Displays which do not have an Emergency Override and are not integrated to a physical security and facility system shall not be obtained on this contract.
	Rental/Leasing of Equipment shall not be obtained on this contract.
Radio Communications Equipment (e.g. two-way radios, repeaters, etc.)	Subscribing to FCC licenses for Radio Communications Equipment and Systems owned by a Third Party instead of purchasing these shall not be obtained on this contract.
Perimeter Fencing which: a) includes integrated electronic monitoring devices which detect intrusion, motion, etc., b) is integrated with the access control/surveillance system, and c) is used to create a permanent, secure perimeter/boundary to prevent unauthorized access or leaving of a facility.	Decorative Fencing, construction site fencing, temporary/portable fencing/barriers, fencing which does not include integrated electronic monitoring devices, etc. shall not be obtained on this contract

Security & Facility Systems and Solutions AWARD 20191

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Security Office Furniture which are security consoles used for monitoring CCTV, Surveillance Camera, and other public safety and security information	Standard chairs, tables, IT consoles, etc. shall not be acquired on this contract.
Cranes and Rigging equipment/services which are used only for and in conjunction with the installation of equipment which is part of a total security and facility system and solution and listed on the published price lists for this contract where the prime contractor assumes all risk for the work performed by the crane/rigging firm.	Cranes and rigging equipment/services used to install/remove products which do not fit the scope of this contract including, but not limited to general building (e.g. structural walls, steel girders, etc.), general ductwork, general plumbing, etc. shall not be obtained on this contract.
Dismantling/removing equipment as part of a new installation/upgrade/replacement of a total security and facility system and solution where the contractor is performing (either directly or through a subcontractor), the dismantling/removing of equipment.	Demolition of Buildings, roads, and other structures shall not be obtained on this contract.
Cleaning of equipment such as cameras, chillers, etc. which is: a) Only for equipment which fits the scope of this contract, b) Specified by the manufacturer's recommended maintenance guidelines/required by code, c) Specifically done to ensure the proper functioning of the security and facility systems and solutions on this contract, and d) Performed by the prime contractor (either directly or via a qualified subcontractor)	Janitorial Services, Porter Services, cleaning of general ductwork, plumbing, grounds keeping, industrial clean, etc. shall not be obtained on this contract
Electronic Access Gates, electronic (programmed, integrated, affixed) turnstiles, electronic-locking doors (e.g. Prison Cells), Prison Sallie Ports, Overhead Doors which are integrated with an access control system, etc. may be acquired on this contract	General Purpose doors, general office doors, overhead doors which are not integrated with an access control system, portable turnstiles, etc. shall not be obtained on this contract
IT/Network Security appliances, software, and firmware such as firewalls which are: a) Being obtained exclusively for and with a physical security and facility system (e.g. at time of installation); b) Only providing network security for the physical security and facility system and not any general purpose IT/Telecommunications Network; and c) Required by Code or the manufacturer to ensure the proper functioning and security of the equipment.	General purpose IT/Telecommunications/Network Security appliances, software, and firmware such as firewalls, appliances, etc. for shall not be obtained on this contract.
Classroom Audio Speakers which: a) are integrated with the Fire Alarm System as required by NFPA Code 72 and any other Building or Fire Code/Standard, b) include an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. overrides any other function being performed or which could be performed by a Public Address System, and c) have a specific physical connection location for the fire alarm system on the speaker/speaker controller to allow the fire alarm to shut down/override this system	Non-Integrated Classroom Audio Speakers which either: a) Are not integrated with a Fire Alarm System, b) Do not have a "emergency override" or "priority override" capability, or c) Do not have a specific physical connection on the speaker/system controller for a Fire Alarm System to shutdown/override the system, shall not be obtained on this contract. Audio-Video Equipment. Audio-video products such as projectors for classrooms, conference rooms or video conferencing equipment that is not integrated with a physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts.

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Metal Detectors and X-Ray Machines which are either: a) integrated with a physical security and facility system, or b) hardwired/affixed to a physical building	Portable X-Ray Machines, Portable Metal Detectors etc. which are not integrated to a physical security and facility system or which are not hardwired/affixed to a building shall not be obtained on this contract.
	General Law Enforcement equipment such as firearms, ammunition, gun-holsters, crowd-control gas, etc. shall not be obtained on this contract.
Fire Station Alerting Systems are speakers which are integrated to/receive signals from Command Centers, monitored premises, etc. and announce the dispatching of personnel to respond to a fire/ems situation.	General Purpose Phone Systems which are primarily used for general communications purposes, even if they allow for 9-1-1 calls, shall not be obtained on this contract. Audio-Video Equipment. Audio-video products such as projectors for classrooms, conference rooms or video conferencing equipment that is not integrated with a physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system shall not be obtained through these Contracts.
Parking Access Systems for facilities: a) Are physical gates, barriers, etc., b) Are used to allow the entry and exist of vehicles into a facility, c) Are micro-processor-controlled, requiring technical skill to program, configure, etc., d) Use ID Cards, Badges, License Plate Recognition, RFID Tags, etc. to grant entry/exit a facility, and/or e) May include a Pay Station device to receive a token which grants access to the facility.	Toll/Revenue Collection Systems which are used to collect tolls, process E-Z Pass, etc. on highways, roads, etc. shall not be obtained on this contract. Credit Card, Credit Payment, P-Card Services, Banking Services, etc. shall not be obtained on this contract. Cloud/hosted services These Contracts cannot be used to obtain any Product or Service sold as an "as a service" offering or in which Authorized User Data is transmitted, acted upon, or stored on non-Authorized User equipment. This includes, but is not limited to, hosted applications, managed security services, and off-site Data storage. Cloud services such as IaaS, PaaS, SaaS, and XaaS shall not be obtained through these Contracts. Time Parking Ticketing Systems which are not part of the parking access systems shall not be obtained on this contract. Ticketing Systems for cities, towns, villages, authorities, etc. on public streets shall not be obtained on this contract.
Inmate Radio Systems are listening/sound systems for inmates in secure facilities which: a) Are integrated with the facility Public Address System, b) Required by either Code or Court Order, and c) Contain an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. from the Public Address System which overrides any other function being performed or which could be performed by the inmate radio system.	Inmate Television Systems shall not be obtained on this contract.

Authorized users must use the requirements/definitions above to determine if any work is acceptable and document this in their procurement records.

In particular, in any situation where an authorized user is acquiring (purchasing products, installation, systems integration, or maintenance) either:

1. Integrated Microprocessor-Controlled HVAC Equipment, and
2. Integrated BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment Systems:

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

The Authorized user must document in their procurement record that these meet the abovementioned acceptable scope requirements. The authorized user shall review each of the itemized requirements and document how the equipment/systems are meeting these requirements.

OGS understands that the installation, integration, or maintenance of the systems and solutions which fit the scope of this contract may include work which may incidentally affect the building (e.g. core drilling a building/boring through a building to run wire) or incidentally involve plumbing/general ductwork (e.g. moving a pipe to perform an installation, connecting an HVAC boiler to a water line, connecting a chiller to the main duct branch in a building, etc.). In these cases, the fundamental question that the authorized user should ask is: Is this work directly tied to the provision of the physical security and facility system or are part of or integrated with a law enforcement, public safety or emergency response system?" If not, then the construction, reconstruction or repair work shall not be performed.

If an authorized user has any questions regarding the acceptability of any work to be performed on this contract, they should contact the contract administrator. OGS will review the question and provide a response, which will also be disseminated to all authorized users via the Purchaser Notification System (PNS), the Contract Award Notification, and this "How to Use" document. Note: Executive State Agencies (under the direction and control of the Governor) and which utilize the Business Center Service center should direct their inquiry to the Business Service Center first. The Business Service Center will then direct the inquiry to OGS Procurement Services.

2. Lot Structure:

Contracts are awarded by LOTS as follows:

LOT 1: Product Only

LOT 2: Product & Maintenance

LOT 3: Product, Installation, Integration & Maintenance

LOT 4: Installation Only

LOT 5: Integration Only [Actions required to join an existing and new system into an integrated application or to connect various components of new applications into a centralized system]

3. Regions:

Contracts are awarded either statewide, or by regions as follows:

Regions	1	2	3	4	5	6	7	8	9
Areas	Long Island	New York	Westchester	Ulster	Albany	Adirondack	Syracuse	Finger Lakes	Buffalo
Counties	Nassau Suffolk	Bronx Kings New York Queens Richmond	Dutchess Putnam Westchester	Orange Rockland Sullivan Ulster	Albany Columbia Delaware Fulton Greene Montgomery Otsego Rensselaer Schenectady Schoharie	Clinton Essex Franklin Hamilton Saratoga Warren Washington	Cayuga Herkimer Jefferson Lewis Madison Oneida Onondaga Oswego St. Lawrence	Broome Chemung Chenango Cortland Livingston Monroe Ontario Schuyler Seneca Steuben Tioga Tompkins Wayne Yates	Allegheny Cattaraugus Chautauqua Erie Genesee Niagara Orleans Wyoming

4. Pricing

This contract consists of a pre-qualified pool of Contractors, with "Not to Exceed" NYS Net Pricing and Total Hourly Rates. These contracts have multiple offerings of products and services. **The intent is, where possible, for authorized users to seek competition among Contractors to obtain more**

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

advantageous pricing, terms, and the most economical and efficient offerings. OGS also recognizes that there are situations where it is not feasible to conduct competition, and has therefore provided guidance to state agencies/authorized users in those circumstances.

“Not to Exceed’ NYS Net Pricing” shall mean the published pricing of products on the NYS website labeled as “NYS Net Price”, which is the maximum amount a Contractor can charge an authorized user for a product, and **INCLUDES** all applicable shipping; handling, insurance and associated delivery charges (F.O.B. Destination the dock/delivery location of the Authorized User) Reference Appendix B, Clause 35, Shipping/Receipt of Product and Clause 36, Title/Risk of Loss for further information.

“Not to Exceed’ Total Hourly Rates” shall be the hourly rates listed on the NYS Pricing pages for contractors awarded Lots 2-5. All rates include travel time and costs incurred for travel to and from the site (including, but not limited to travel, meals, lodging, gas/fuel, tolls, etc.). Rates and charges for the Product, installation, systems integration, and maintenance of the Product include all travel and costs associated with accessing the installation site. All subcontractors must also comply with the “Not to Exceed” Total Hourly Rates and Not to Exceed’ NYS Net Pricing.”

5. Value Added Resellers (VARs) and Subcontractors: **All VARs and subcontractors must be pre-approved by OGS prior to use.**

VARs are entities on Contracts for Lot 1 Product Only which are able to sell the products on the awarded Contract. VARs are unable to do the following:

- A. VARs cannot perform services under any of these Contracts;
- B. VARs cannot be offered/added to any Contract for Lots 2, 3, 4, and 5 or a combination of Lot 1 and Lot(s) 2, 3, 4, or 5; and
- C. VARs cannot sell/offer products which are not on the approved price list of the Contract holder, or charge above the “Not to Exceed” NYS Net Pricing for products.

Subcontractors are entities that perform services (installation, systems integration, and maintenance) under and through contract holder (Prime Contractors) awarded Contracts under Lots 2, 3, 4 and 5 or a combination of Lot 1 and Lot(s) 2, 3, 4, or 5. Subcontractors are not permitted to receive orders and remittances from authorized users directly. All orders and remittances must be sent directly to the Prime Contractor. The Prime Contractor is the single point of contact.

When Prime Contractors propose utilizing subcontractors, authorized users have the responsibility to verify the rates the Prime Contractor is charging NYS for work performed by the subcontractor (e.g. electrical installation) are equal to or lower than the “Not to Exceed” Total Hourly Rates for the Prime Contractor.

6. Prohibition on Leasing/Rental of Equipment/Deferred Payment Requirements:

Contracts awarded as a result of RFP 20191 for Lots 1, 2, and 3 are for the **PURCHASE** of equipment only. Rental/Leasing of equipment shall not be obtained this contract. A contractor may include, for purposes of installation, systems integration, or maintenance, pricing to utilize lifts or bucket trucks for their/their subcontractors’ employees performing work, but not for purchase, lease, or rental by authorized users.

A contractor may offer a deferred payment option (installment payments) provided that:

- A. Title shall transfer to the authorized user after the acceptance period (See Below Sec. III), and
- B. Prior to any such agreement, the contractor shall have the following information approved by OGS and added to their NYS Net Pricing Pages:
 - i. The NYS Net Pricing for a Product
 - ii. The Price Per month
 - iii. The fixed percentage/rate of interest per month

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

- iv. The price of the interest per month
- v. The sum of the price per month and the interest price per month
- vi. The number of months for which interest will be charged
- vii. The total price of the product (multiplying the sum price by the number of months)
- viii. The difference between the Total Price of the Product and the NYS Net Pricing

II. Frequently Asked Questions (FAQs) Regarding Vendor Selection Process:

The following FAQs are meant to provide broad, flexible, but definite instructions and guidance to authorized users. Where possible, authorized users should seek pricing from multiple contractors, and always attempt to obtain lower pricing based upon the specific needs at the time of purchase.

Before contacting any Contractors, authorized users should review the Scope, Lots, and Regions of these Contracts to ensure the procurement is in accordance with the Terms and Conditions of this Award.

As used in this section, the following terms shall mean the following:

1. "Embedded Base" means that a particular system is installed in a given facility, campus, law enforcement system, or across the entire authorized user.
2. "Proprietary System" means a system where only one (1) Contractor is authorized to program, integrate, configure, etc., the purchased system. Some examples include, but are not limited to SimplexGrinnell, Honeywell Fire/BAS, Siemens BAS. Proprietary Systems shall not alter the terms and conditions outlined in Award 20191, including, but not limited to:
 - A. A requirement that title to all products/equipment/systems that are purchased, installed or integrated shall transfer to the authorized user upon acceptance, free of any liens or encumbrances,
 - B. The Software license Grants in the contract, and
 - C. Any other provisions of these Contracts.
3. "Standardization" means when an authorized user shall select a particular Contractor based on factors, including, but not limited to pricing, qualifications, past performance, technical ability, system requirements, etc. to be utilized for a facility, campus, or entire entity.

Question # 1:

I am a school district. I noticed these guidelines reference systems, including, but not limited to labor and services. Do these guidelines apply to product only purchases off of Group 77201, Award 20191 as well?

OGS Answer # 2:

Yes, these "How to Use" guidelines apply to product only purchases made off of Group 77201, Award 20191.

Question # 2:

I am a town. We are preparing to solicit multiple quotes from several contractors for a new Fire Alarm System. In reviewing this document, you indicated that we can use lowest-price, best-value, or qualification-based selection (QBS) to select a contract. However, General Municipal Law § 103 requires that our board adopt a resolution authorizing us to procure purchase contracts via Best-Value. Does our board need to adopt a resolution authorizing us to solicit multiple quotes via Best-Value.

OGS Answer # 2:

No, your board does not need to adopt a resolution authorizing Best-Value procurements to select a contractor on the basis of Best-Value or Qualification-Based Selection under Award 20191. General Municipal Law § 104 (which along with New York State Finance Law § 163 authorizes municipalities to purchase off of NYS Centralized Contracts) expressly exempts purchases off of Centralized Contracts from the requirements of General Municipal Law § 103.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 3:

I am a correctional facility. We have several stringent security procedures and requirements which we require all contractors to comply with and require them to undergo formal training in these before being eligible to bid. Are we allowed to limit our proposals to only those contractors which have taken this required training?

OGS Answer # 3:

Yes, you can limit the contractors you solicit to those who have taken this training since these procedures and requirements were implemented for legitimate health and safety reasons.

Question # 4:

I am an authorized user which needs a new fire alarm system. We haven't standardized on a particular brand/manufacturer/contractor, and do not have an embedded base as this is a new building. Can I just go to one vendor, or should I seek competition among multiple contractors?

OGS Answer # 4:

Since you have not standardized and do not have an embedded base, you should seek competition among the Contractors, which are awarded the appropriate Lots and Regions, and offering the type of products/services you need. You may use any of the following selection methods for your mini-bid:

- A. Lowest Price
- B. Best Value
- C. Qualification-Based Selection

Question # 5:

I am an authorized user which has six buildings. In five of my buildings, we have Vendor A Proprietary Fire Alarms which holds a security and facility systems contract. We are renovating our sixth building and would like to have Vendor A provide/install their fire alarm system in this building. Is it allowable to work directly with Vendor in this situation, or do we have to undertake a mini-bid among the contractors awarded the applicable Lot & Region?

OGS Answer # 5:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A,
2. Request Vendor A provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Question # 6:

I am an authorized user that has multiple brands of BAS, EMS, and Integrated Microprocessor-Controlled HVAC Equipment contractors in various facilities. We would like to standardize on one particular system/contractor. Can we use these contracts to standardize on a particular system/brand? And if so, what do we need to do?

OGS Answer # 6:

Yes, you can use this contract to standardize on a particular brand or contractor.

To standardize, you need to:

1. Document your existing infrastructure;
2. Document the basis for your determination to standardize on a particular brand or contractor;

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

3. Develop an objective and quantifiable technical evaluation tool, and, where necessary, an objective and quantifiable pricing evaluation tool; and
4. Either;
 - A. Determine one brand, Contractor, or manufacturer is the most qualified and require them to provide you:
 - a) With lower pricing than the “Not to Exceed” pricing on their contract, or demonstrate why it can’t offer lower pricing than the “Not to Exceed” NYS Net Pricing/Total Hourly Rates, and
 - b) Require the selected Contractor to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years; or
 - B. Solicit proposals from multiple Contractors who offer the systems you are seeking. You may use any of the following methods of selection:
 - a) Lowest Price,
 - b) Best Value, or
 - c) Qualification-Based Selection

Question # 7:

I am an authorized user with five buildings with the same systems, however they are being serviced by multiple contractors. We would like to standardize on a single contractor to provide all products and perform all installation, systems integration, and maintenance on our systems. Is this allowable under the contract, and if so, what do we need to do?

OGS Answer # 7:

Yes, this is allowable. You would need to:

1. Develop a Technical Justification of why you are standardizing on a particular Contractor’s products and services, and
2. Use any of the following selection methods for your mini-bid among the contractors which offer and can service the products you are using:
 - A. Lowest Price
 - B. Best Value
 - C. Qualification-Based Selection

Question # 8:

I am an authorized user which has a physical presence throughout all of New York State. We have standardized on a particular manufacturer for our fire alarms. Multiple contractors offer this brand on their contract, but only one contractor (“Vendor A”) has statewide coverage in the appropriate Lot. Can I standardize on this particular contractor, or do I need to undertake mini-bids in each region?

OGS Answer # 8:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A,
2. Request Vendor A to provide you with lower pricing than the “Not to Exceed” pricing on their contract or demonstrate why it can’t offer lower pricing than the “Not to Exceed” NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 9:

Vendor A installed their product offering into one of my buildings. Since they installed this product, can I have them perform the maintenance directly, without undertaking a mini-bid?

OGS Answer # 9:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A,
2. Request Vendor A to provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Question # 10:

Is it allowable to use a two (2) step selection process, whereby we require an initial statement of qualifications, and then only allow these contractors that meet these qualifications to proceed to the actual selection?

OGS Answer # 10:

Yes, you may undertake a two (2) step selection process, whereby you require an initial statement of qualifications, and, then allow only those Contractors that meet these qualifications, to proceed to the actual selection process of either lowest price or best value.

Question # 11:

I am a School District. We are in the process of acquiring a new Access Control System. We want to reach out to multiple contractors provide demonstrations/technical information regarding their Access Control Offerings on contract. We will then score each contractor's offering, select the most qualified, and proceed to obtain pricing. Is this allowable under this contract.

OGS Answer # 11:

Yes, this would constitute a form of a Qualification-Based Selection process. As long as all contractors are being evaluated using the same pre-determined, quantifiable scoring method, this is acceptable on the contract. When obtaining pricing information, you should require

1. Request the selected Vendor to provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
2. Require the selected Vendor to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Question # 12:

I am a State Agency. I am looking to acquire a CCTV system. We have selected a particular manufacturer/brand and are trying to select from among three contractors who offer this brand. I've reviewed the OGS website, and it appears that one contractor offers lower NYS Net Pricing than two (2) others. Can I use this as my pricing justification?

OGS Answer # 12:

No, the pricing on the centralized contracts is "Not to Exceed" pricing with no commitment. In other words, these are assumed quantity zero. When an authorized user commits money, contractors can and should offer lower pricing based on the volume of business. As such, you still need to contact these three entities and have them provide proposed pricing/quotes.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 13:

I am a school district. We are standardizing on Vendor A for our Access Control and CCTV system. As we are not requesting multiple quotes, we requested the following information in accordance with this "How to Use" document:

In response to our request, Vendor A stated it could not:

- A. Provide a comparable contract because:
- i) the comparable contract contained proprietary information related to the other customer, and
 - ii) there are differences with every project,

And

- B. Lower the "Not to Exceed" Total Hourly Rates on their contract because:
- i) This would affect their certified payroll, as well as financial reporting (accounting and auditing) of their firm, and
 - ii) Their understanding is that the "Not to Exceed" rates are "negotiated" or "pre-negotiated" and as such cannot be decreased.

Are these explanations acceptable?

Question # 13:

I am a School District. We are working with a contractor, Vendor A, on a camera project to expand the camera system and have the following questions:

- A. Does the comparable contract Vendor A provides need to include every item/all labor the contractor is proposing (Put another way, do we need a comparable contract for every specific line item/labor referenced)?
- B. Would an acceptable technical justification for standardizing on Vendor A be that they offer the same brand as we had installed in our facility?

OGS Answer # 13:

- A. Not necessarily. The goal of a comparable contract/customer contract is to demonstrate that the additional discount, product standard, project pricing, etc. are reasonable for a particular project, order, etc. There may not be an exact apples-to-apples comparable contract with all of the same items. Some factors to consider include, but are not limited to:
- i. What is the dollar value of the project/order?
 - ii. What percentage of the items/labor are the same items?
 - iii. How recent was the project?
 - iv. How similar is the project and the facility/location where it is being performed?
- Authorized Users should develop internal procurement policies and guidelines/consult with their control agencies which address these situations.
- B. You would need to obtain more information as this current justification is not sufficient. There are several factors/questions you should ask to determine this, including, but not limited to:
- i. Is Vendor A the only entity which offers this particular camera brand?
 - ii. Did Vendor A install/integrate the original system you are now requesting to expand?
 - iii. If Vendor A did not install/integrate the original system, has Vendor A been maintaining (including providing software/firmware updates to the systems?)

If you answer "Yes" to these questions (and provide the necessary supporting documentation such as proof of your search for question i), you might have an acceptable technical justification. However, you need to follow your internal procurement guidelines and control agency requirements and may want to describe in more detail various technical reasons (e.g. interoperability) in your justification.

Authorized Users should develop internal procurement policies and guidelines/consult with their control agencies which address these situations.

Authorized users need to follow their internal procurement guidelines and control agency requirements when utilizing NYS Centralized Contracts.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 14:

When you reference soliciting quotes, does this require we contact every contractor on the contract or in a particular region?

OGS Answer # 14:

No, this does not mean you necessarily need to contact every contractor. Generally, it is recommended that when soliciting quotes, authorized users obtain a minimum of three (3) quotes. However, authorized users/their control agencies should develop guidelines/requirements as to levels and detail of quotes.

For example, you may only need to solicit three quotes on a project where which is estimated to cost \$25,000.00. On the other hand, you may want to solicit quotes from all contractors in a given Lot/Region for a project which is estimated to cost five million dollars.

OGS suggests that authorized users develop internal procurement guidelines to address these situations and work with your control agency to meet their requirements.

Authorized users need to follow their internal procurement guidelines and control agency requirements when utilizing NYS Centralized Contracts.

OGS Answer # 15:

No, Vendor A's explanations are not acceptable.

- A. Vendor A does not need to provide you the proprietary technical information in the proposal, just the pricing information, name & location of the customer, and general (non-proprietary information) to allow you verify that Vendor A has demonstrated reasonableness of price.
- B. While there may be differences with every project, when the authorized user is not soliciting multiple quotes, the contractor must provide a similar project to demonstrate reasonableness of price. The authorized user can compare various production standards/pricing, including, but not limited to:
 - i) Production Standard (e.g. work per hour, installation cost per foot, labor hours required, etc.),
 - ii) Additional Discounts Offered based on project size, and
 - iii) Duration of Project.
- C. Vendor A cannot use certified payrolls, accounting, and auditing requirements to justify not offering a lower "Not to Exceed" rate. OGS understands and agrees that contractors must pay, and by extension authorized users must pay to the contractor, the Prevailing Wages and Supplemental Benefits required by law. However, contractors can reduce the percent (%) markups used to arrive at their "Not to Exceed" Total Hourly Rates. Furthermore, the reducing pricing for one authorized user does not result in a "global" reduction in the total hourly rates across the whole contract. Rather, the contractor only needs to extend this more advantageous pricing to other similarly-situated customers (e.g. similar project size, similar type of work, similar volume purchase, etc.).
- D. The rates on the NYS Centralized Contracts for Security and Facility Systems and Solutions are not "negotiated" or "pre-negotiated." These are "Not to Exceed" Total Hourly Rates inclusive of all costs. Authorized Users can and should seek lower pricing, especially for large volume purchases/transactions/projects.

Question # 16:

I am a community college. I am trying to determine if the chiller we are proposing to acquire is part of an Integrated BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment System and therefore able to be obtained on this contract. The BAS/EMS are integrated with the Fire Alarm System, but I'm not sure if the chiller is "integrated" to the BAS/EMS.

Our retained consult developed certain specifications and the contractor provided a proposal which included the following

1. The BMS/EMS/Integrated Microprocessor-Controlled HVAC Equipment automatically and electronically collect, receive, transmit, display, store, record, analyze, evaluate, process, classify, manage, control, communicate, exchange, interface, switch, and disseminate data (e.g. the chiller

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

receives a command from the Building Automation System to adjust the its speed/output and transmits to the Building Automation System a report of the internal air pressure):

2. The Integrated Microprocessor-Controlled HVAC Equipment actively and automatically make recommendations/receive recommendations or commands from the Building Automation Systems/Energy Management System (e.g. the chiller notes air pressure changes and sends a recommendation and notice): and
3. The BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment are all IP-based, and the Building Automation System/Energy Management System need to be configured to allow for the IP address on the Equipment (e.g. Chiller) to allow for proper communication.

Does this mean my chiller is integrated to the BAS/EMS?

OGS Answer # 16:

Since:

1. The BMS/EMS/Integrated Microprocessor-Controlled HVAC Equipment automatically and electronically collect, receive, transmit, display, store, record, analyze, evaluate, process, classify, manage, control, communicate, exchange, interface, switch, and disseminate data (e.g. the chiller receives a command from the Building Automation System to adjust the its speed/output and transmits to the Building Automation System a report of the internal air pressure):
2. The Integrated Microprocessor-Controlled HVAC Equipment actively and automatically make recommendations/receive recommendations or commands from the Building Automation Systems/Energy Management System (e.g. the chiller notes air pressure changes and sends a recommendation and notice): and
3. The BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment are all IP-based, and the Building Automation System/Energy Management System need to be configured to allow for the IP address on the Equipment (e.g. Chiller) to allow for proper communication.

The Chiller is integrated to the BAS/EMS and therefore can be acquired on this contract.

Please document this information in your procurement record.

Question # 17:

I am a State Agency. I am trying to determine if I can acquire a Chiller on the Security and Facility Systems Contract. The chiller will:

- a. Include factory mounted (installed)/factory-provided microprocessor controls which need to be programmed/commissioned/integrated by an individual with technical training in the operating software,
- b. Receives temperature information from the Building Automation System via a network connection/communication device which will cause the chiller to make recommended temperature changes, and
- c. Performs internal sensory monitoring and transmits status updates to the Building Automation electronically and automatically regarding data such as air pressure, energy use, chiller performance, etc.

Additionally, the aforementioned Building Automation System which will be transmitting the temperature data information is connected with the Fire Alarm System.

Is this Chiller considered "integrated" with the Building Automation System/Fire Alarm System and therefore allowed to be acquired on this contract?

OGS Answer # 17:

Since:

- a. The Chiller will include factory mounted (installed)/factory-provided microprocessor controls which will need to be programmed/commissioned/integrated by an individual with technical training in the operating software/system:
- b. The Chiller will be integrated to the Building Automation System/will receive information and make recommendations based on this information:
- c. The chiller is acquiring, monitoring, transmitting, and receiving data from/to the Building Automation System: and

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

d. The aforementioned Building Automation System which will be transmitting information to the Chiller and the Building Automation System is connected to the Fire Alarm System: This chiller is integrated to the Building Automation System and the Fire Alarm System and can therefore be acquired on this contract.

Please document this information in your procurement record.

Question # 18:

I am a state agency. I am trying to obtain a new Building Automation System. However, I am unsure if the Building Automation is "integrated" with the fire alarm system. When the Fire Alarm is activated, it directs the Building Automation to perform certain functions over a Fire Alarm Interface Panel.

OGS Answer # 18:

Because the Fire Alarm communications to the Building Automation System and directs it to perform certain functions, this would mean that this system is integrated.

Question # 19:

I am a large hospital. I am looking to acquire a Building Automation System/Energy Management Systems/Integrated Microprocessor-Controlled HVAC Equipment. The system will be integrated with the Fire Alarm System and have the ability to integrate with the Access Control System and allow monitoring by our employees. We have not standardized on a particular Vendor/brand/manufacturer. Can we acquire these on the contract?

OGS Answer # 19:

If the Integrated Building Automation System/Energy Management System/Integrated Microprocessor-Controlled HVAC Equipment System will allow for monitoring by the authorized user and also allow for the monitoring of the fire alarm, CCTV, or Access Control system by the authorized user, this can be acquired on the contract.

Since you have not standardized and do not have an embedded base, you should seek competition among the Contractors, which are awarded the appropriate Lots and Regions, and offering the type of products/services you need. You may use any of the following selection methods for your mini-bid:

- A. Lowest Price
- B. Best Value
- C. Qualification-Based Selection

Question # 20:

I am a large hospital. I am looking to obtain a new Factory-Installed/Factory-Provided Microprocessor-Controlled Chiller for my building. We have Vendor A's Building Automation System/Energy Management System which is integrated with the Fire Alarm System in our facility. Vendor A does not offer Chillers, but will need to be involved in the Integration of the Chiller to allow for the full monitoring and control of these by the Building Automation System/Energy Management Systems. How should I proceed?

OGS Answer # 20:

Since you have not standardized and do not have an embedded base, you should seek competition among the Contractors, which are awarded the appropriate Lots and Regions, and offering the type of products/services you need. You may use any of the following selection methods for your mini-bid:

- A. Lowest Price
- B. Best Value
- C. Qualification-Based Selection

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 21:

I am a University. We need to upgrade our Integrated Building Automation System/Energy Management System/ Factory-Installed/Factory-Provided Microprocessor-Controlled Chiller, Boiler, etc. The entity providing this system will have to integrate this system with the Fire Alarm System and potentially the Access Control System. This will allow our staff to monitor all of these systems. How should we proceed?

OGS Answer # 21:

Since you have not standardized and do not have an embedded base, you should seek competition among the Contractors, which are awarded the appropriate Lots and Regions, and offering the type of products/services you need. You may use any of the following selection methods for your mini-bid:

- A. Lowest Price
- B. Best Value
- C. Qualification-Based Selection

Question # 22:

I am a Housing Authority. We are interested in obtaining a non-proprietary fire alarm system. Based on our review of the contract, there is only one contractor, Vendor A, in our region which offers a non-proprietary fire alarm. Based on this, can we work with Vendor A directly?

OGS Answer # 22:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A (In particular, explain why you determined to use an open-proprietary system),
2. Request Vendor A to provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Question # 23:

I am a large hospital. My chiller needs to be replaced. We utilize Vendor A's Building Automation System/Energy Management System (which is integrated with the Fire Alarm System) which allows us to monitor all systems. Vendor A also manufactures chillers. Vendor A's Building Automation System/Energy Management System and Chillers are proprietary, so no other entity offers these. The Chillers offered by Vendor A includes factory installed microprocessor controls and integrated with the Building Automation System/Energy Management System. Can we directly purchase our new chiller from Vendor A?

OGS Answer # 23:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A,
2. Request Vendor A to provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 24:

I am a Psychiatric Facility. My Integrated Building Automation System/Energy Management System/Integrated Microprocessor-Controlled HVAC Equipment System needs to be replaced. We utilize Vendor A's Fire Alarm System and Access Control System in our facility. Vendor A also manufactures Building Automation System/Energy Management Systems/ Integrated Microprocessor-Controlled HVAC Equipment. Their Building Automation System includes a single platform which allows the authorized user to monitor the Fire Alarm, CCTV, Access Control, Building Automation, Energy Management, and HVAC System. Vendor A's products are proprietary, so no other entity offers these. Can we directly purchase our Building Automation System/Energy Management System/HVAC System from Vendor A?

OGS Answer # 24:

In this situation, you can work directly with Vendor A and do not need to undertake a mini-bid. However, you need to:

1. Develop a Technical Justification of why you are utilizing Vendor A,
2. Request Vendor A to provide you with lower pricing than the "Not to Exceed" pricing on their contract or demonstrate why it can't offer lower pricing than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates, and
3. Require Vendor A to provide you with comparable pricing the Contractor has offered to and been accepted by a similarly-situated customer, preferably a competitively awarded, within the past two (2) years.

Question # 25:

I am a large hospital. My Air Conditioning unit needs to be replaced. We utilize Vendor A's Building Automation System/Energy Management System (which is integrated with the Fire Alarm System) which allows us to monitor all systems. The AC unit is not integrated with the Building Automation System/Energy Management System. Can we directly purchase this from these contracts?

OGS Answer # 25:

As this Air Conditioning Unit is not integrated with the Building Automation System/Energy Management System, it cannot be purchased/installed/integrated/maintained on this contract.

Question # 26:

I am a large hospital. My split AC unit needs to be replaced. We utilize Vendor A's Building Automation System/Energy Management System (which is integrated with the Fire Alarm System) which allows us to monitor all systems. The AC unit does not include a Factory-Installed/Factory-Provided Microprocessor – control which integrates with the Building Automation System/Energy Management System. Can we directly purchase this from these contracts?

OGS Answer # 26:

As this Split AC does not include a Factory-Installed/Factory-Provided Microprocessor, it cannot be integrated with the Building Automation System/Energy Management System. As such, it cannot be purchased/installed/integrated/maintained on this contract.

Question # 27:

I am a correctional facility. I am looking to acquire a new/replacement chiller. We have documented this is part of an Integrated BAS/EMS/Integrated Microprocessor-Controlled HVAC Equipment System. We are retaining an A/E consultant and will be obtaining the necessary construction permit. As part of this, there is some incidental ductwork connections (less than 10% of the cost of the chiller purchase, installation, and integration) and less than 10 FT) to connect the chiller to the general ductwork. By having the chiller installer/integrator perform this connection, it prevents any potential voiding of the warranty/maintenance provisions due to unexpected damage to the chiller. Can this incidental, but necessary ductwork connection to the new chiller be acquired on this contract as part of the purchase, installation, and integration of this chiller?

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

OGS Answer # 27:

Yes, since:

- A. You have documented this chiller fits the scope of the contract,
- B. Are obtaining stamped drawings from a licensed Architect or Engineer you retained,
- C. Are obtaining a construction permit,
- D. The incidental ductwork is less than 10% of the total purchase, installation, and integration cost for the chiller (and is only 10 feet long), and
- E. Is only being done to connect the chiller to the main ductwork so there is no voiding of the warranty of the chiller.

Question # 28:

I am a large hospital. We currently use these contracts for our Integrated Building Automation System/Energy Management System/Integrated Microprocessor-controlled HVAC Equipment System. We wanted to know if we would use this contract to install a new branch (1000 FT) of ductwork on an expansion wing we are building and subsequently maintain all of our ductwork. Is this allowable on this contract.

OGS Answer # 28:

No, the provision, installation, and maintenance of general ductwork such as a 1000 Ft branch is not permitted on this contract.

Question # 29:

I am a state agency. I am looking to perform Sprinkler system replacement/upgrades for a portion of our facility. As part of this, we will be performing all of the following:

- A. Install/Integrate new sprinklers (equipment and labor)
- B. Minor adjustments to the fire alarm (equipment and labor)
- C. Minor adjustments to the Building Automation System (equipment and labor)
- D. General Electrical (lighting fixtures & outlets as well as the wiring and conduit for the general lighting fixtures and outlets)
- E. Plumbing Work
- F. General Ductwork Work
- G. Restroom renovations
- H. General Carpentry, tiling, etc.
- I. Carpeting

Items D, E, F, and G, H, and I account for over 80% percent of the total value of the project. Can we acquire all of these items on the contract, or only items A, B, and C?

OGS Answer # 29:

Items A, B, and C above can be acquired on the security contract as this involves the provision of products and the performance of labor which fit the scope of the contract.

However, since items D, E, F, G, H, and I appear to be for general building renovations (and constitute more than 80% of the total spend on this project), this work cannot be performed on the contract and needs to be procured separately.

Question # 30:

I am a prison facility, I was wondering if I could procure cable/wiring (materials and installation labor) for a CCTV/Camera System on this contract?

OGS Answer # 30:

Yes, cable/wiring of CCTV systems (or any other system which fit the scope of this contract) can be acquired on this contract, provided the contractor is awarded the appropriate Lots (see above I.2 Lots).

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 31:

I am a prison facility. Can I acquire Cable/wiring (material and installation labor) only for a general purpose television system?

OGS Answer # 31:

No, since General Purpose Television systems don't fit the scope of this contract, you cannot use this contract to obtain the materials and installation labor for a General Purpose Television system on this contract.

Question # 32:

I am a local fire district. We are looking to acquire:

- A. A Fire Station Alerting System (speakers, wire/cable, etc.), and
 - B. A general purpose television for general purpose use, along with the wiring/cabling for this television.
- Can these offerings be acquired on this contract?

OGS Answer # 32:

- A. The fire station alerting system, including, but not limited to the speakers and wiring/cabling for the speakers, can be acquired on these contracts.
- B. General purpose television and the wiring/cabling for general purpose television cannot be acquired on this contract as these do not fit the scope.

Question # 33:

I am a correctional facility. I am looking to acquire an inmate radio system. This system:

- A. Will be integrated with the facility Public Address System,
- B. Is required by Code and a Court Order, and
- C. Contains an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. from the Public Address System which overrides any other function being performed or which could be performed by the inmate radio system.

Can this be acquired on this contract?

OGS Answer # 33:

Since this system:

- A. Will be integrated with the facility Public Address System,
- B. Is required by Code and a Court Order, and
- C. Contains an "emergency override" or "priority override" so that any emergency notification message, alarm notification, etc. from the Public Address System which overrides any other function being performed or which could be performed by the inmate radio system:

This is can be acquired under these contracts.

Question # 34:

I am a Court Facility. I am utilizing one of the contractors to provide a CCTV system, including, but not limited to, all necessary wiring/cabling. Since the contractor will be performing wiring/cabling for the CCTV system, can I also have them perform general cabling/wiring for my IT/Network system?

OGS Answer # 34:

No, you cannot acquire the general purpose IT/Network Cabling on this contract. You can only acquire wiring/cabling which is for/part of a physical security and facility system and solution (e.g. wiring/cabling for the CCTV system).

Question # 35:

I am a State University. We are in the process of retrofitting a new center for Speech, Audial, and other related disabilities. As part of this, we need to acquire cameras, microphones, recording devices, etc. to record/diagnose speech, audial, visual, etc. disabilities and monitor treatment sessions for the same.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Can we acquire cameras, microphones, recording devices, etc. which are to be used to record/diagnosis these disabilities/monitor treatment sessions?

OGS Answer # 35:

No, the aforementioned proposed uses of these cameras, microphones, recording devices, etc. is not acceptable on this contract as they are not for a physical security and facility system. As such, this contract cannot be used to acquire these products, or to perform any labor/services necessary to provide/implement these recording/diagnosing devices.

Question # 36:

I am a school district. I would like to acquire an Audio System for my school theatre. The system does not have a Priority/Emergency Override capability. Can this be acquired on this contract?

OGS Answer # 36:

Since this system does not have a Priority/Emergency Override capability, it cannot be acquired on this contract.

Question # 37:

I am a school district. I would like to acquire a Digital Signage System. The system will be integrated to a CCTV and Emergency Notification/Alarm System. Whenever an alarm is activated, the alarm message shall override the Digital Signage System and the alarm message shall be displayed. Can this be acquired on this contract?

OGS Answer # 37:

Since this system is integrated with a physical security and facility system, and has an emergency override function/capability, this can be acquired on this contract.

Question # 38:

I am a Transportation Public Authority. I am looking to acquire a Digital Signage Display System. This will:

- A. Display Departure/Arrival Times of Trains, Buses, etc.,
- B. Display Emergency Announcements,
- C. Be monitored and controlled by the local police force on the same security management system/command center display as the CCTV camera feeds, and
- D. Includes an emergency override which causes an emergency notification to be displayed on these screens and no other information to be listed in the event of this feature is activated.

Can this be acquired on this contract?

OGS Answer # 38:

Since this system will:

- A. Display Emergency Announcements,
- B. Be monitored and controlled by the local police force on the same security management system/command center display as the CCTV camera feeds, and
- C. Includes an emergency override which causes an emergency notification to be displayed on these screens and no other information to be listed in the event of this feature is activated:

It can be acquired on this contract.

Question # 39:

I am a local Law Enforcement Unit. We are looking to acquire a Video Conferencing Display for a Meeting/Conference Room. Can this contract be used to acquire this product, installation, systems integration, and maintenance?

OGS Answer # 39:

No, General Purpose Video Conferencing Equipment as well as the installation, systems integration, and maintenance of the same is not permitted on these contracts.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Question # 40:

I am a school district. I would like to lease radio repeaters, radios, and the associated FCC licenses from a contractor and pay them a monthly fee. Is this allowable under the Centralized Contract?

OGS Answer # 40:

No, this is not permitted under the contract. Contracts awarded as a result of RFP 20191 are for the purchase of equipment, not leasing/rental of equipment.

Question # 41:

I am a State Agency. We are looking to acquire

- A. A Distributed Antenna System (also referred to as an in-building repeater system) which will include fiber optic cabling, repeaters, etc. and only be used by Law/Enforcement/First Responders, and
- B. A hosted Network Operation Center where the vendor manages and monitors the DAS.

Can we acquire this on contract?

OGS Answer # 41:

- A. The Distributed Antenna System (DAS) can be acquired on this contract as it is for Low Enforcement/First Responder use Only.
- B. The hosted Network Operation Center managing and monitoring (and any implementation of the same) the DAS cannot be acquired on this contract as this is a cloud/hosted offering.

Question # 42:

I am a Psychiatric Facility. We have asbestos in our building. In order to replace our sprinkler system, we need to abate the asbestos surrounding the sprinkler. We are not going to abate the asbestos in the entire building, but only that which surrounds the sprinkler system. Is this allowable on this contract?

OGS Answer # 42:

In this instance, since you are only performing asbestos abatement to enable you to replace your sprinkler system, and not abating asbestos throughout the building, this is allowable.

Question # 43:

I am a New York City Agency. We are looking to solicit proposals from multiple contractors awarded Lot 3 for a fire alarm system (all products, installation, integration, and maintenance). As part of this, we want the contractors to propose/provide stamped plans/drawings of their proposed system. We have our own in-house engineers who will rate the systems/proposed offerings. Can we obtain these Architectural/Engineering Services on these contracts?

OGS Answer # 43:

In this instance, since you are obtaining these Architectural and Engineering Services as part of a total security and facility system and solution, and not separately as standalone consultants (Owner's Representative), these can be acquired on this contract provided that:

- A. The Contractor and its subcontractor(s) cannot rely on the Spearin Doctrine. All design error costs shall be borne solely by Contractor and its subcontractor(s)/partner(s);
- B. The contractor is awarded either Lot 3 or Lot 5 (since you are also requesting products and installation as well as systems integration),
- C. The contractor and their subcontractor cannot act as an "Owner's Representative,"
- D. The awarded contractor must provide the stamped plans/drawings and all products, installation, systems integration, and maintenance (including through the use of subcontractors), and

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

E. The Architectural and Engineering services can only be for products/systems which fit the scope of this contract, and not offerings outside the scope of this contract (e.g. plumbing systems).

Question # 44:

I am a Public Authority Airport. I am looking to acquire a Metal Detector. This will be integrated to a Command Center where the contents will be fed to a display which also display CCTV Feeds. Can this metal detector be acquired on this contract?

OGS Answer # 44:

In this case, since the metal detector is "integrated" with a physical security system, it can be acquired on this contract.

Question # 45:

I am a State University. I am looking to purchase Network Security Appliances for our General IT System. Can this contract be used to purchase, install, integrate, and maintain general purpose Network Security Appliances?

OGS Answer # 45:

No, standalone Network Security devices/products and any resulting installation, systems integration, and maintenance cannot be obtained on this contract.

Question # 46:

I am a State Agency. I am looking to acquire general purpose printers for printing confidential information. As part of this purchase, I am also requesting to acquire ID Card reader/scanner to attach/integrate to the printers. The ID Card reader/scanner will only be used to grant access to use the printer(s), and not to any physical portion of the facility? Can this contract be used to acquire the ID card reader/scanner?

OGS Answer # 46:

No, in this case, the ID card reader/scanner is being utilized in a similar manner as a password to access the printer. As such, it is not being used for physical security access but general purpose network security access, and therefore not permitted.

Question # 47:

I am a state agency. I noticed you have livescan store and forwarding as part of the scope of this contract. My agency issues supplemental assistance benefit cards and performs livescan store and forwarding on our own contracts. We don't run our checks against either DCJS or the FBI database. Can we acquire livescan store and forwarding for these cards on the contract.

OGS Answer # 47:

Since you are only proposing to use the livescan store and forwarding for supplemental benefit cards only, and not running background checks against either the DCJS or FIB databases, you cannot use this contract to have livescan store and forwarding.

Question # 48:

I am a county. We currently have Vendor A's command center system with hardware components that have reached their end of life (video cubes, servers, etc.). Certain of Vendor A's components will not be replaced. We would be keeping Vendor A's control software installed on multiple computers in our EOC, as well as specialized equipment that is already programmed for Vendor A to control both hardware and software components, one controlling server that has Vendor A's software installed, and software licenses. We would like to work directly with Vendor A to refresh end of life items, and patch our current software version to the latest. Is this allowable, or do I need to solicit multiple quotes.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

OGS Answer # 48:

In this situation, it appears that you have an embedded base (have standardized on Vendor A). Based on this information, you can work directly with them without soliciting quotes from multiple contractors.

Question # 49:

I am a State Agency. I am looking to acquire a Parking Access System which will include the following:

- A. Payment Station and Gate access system which require a swipe card/ID badge to open upon payment confirmation,
 - B. Connecting wire, cables, devices, which are used solely for the Parking Access System, etc.,
 - C. Onsite software on the machines, which we will own and manage, behind our firewall, and
 - D. A Cloud/Hosted offering to accompany this which will store and monitor data to access the park.
- Can this system be acquired on this contract?

OGS Answer # 49:

- A. The following components of the Parking System are acceptable to be acquired on this contract and as well as all associated installation, integration, and maintenance:
 - i) Payment Station and Gate access system which require a swipe card/ID badge to open upon payment confirmation,
 - ii) Connecting wire, cables, devices, which are used solely for the Parking Access System, etc., and
 - iii) Onsite software on the machines, which you will own and manage, behind your firewall.
- B. Cloud/hosted offerings/products cannot be obtain on this contract under any circumstances. Nor can the implementation of these (e.g. programming, connecting to the cloud, etc.) be acquired on this contract under any circumstances. These must be obtained via a separate procurement.

Question # 50:

I am a Prison. I noticed that the "Not to Exceed" costs include all site access costs. For our facility, it generally takes two (2) hours for a contractor to access and commence performing work on our contracts. The contractor we are preparing to utilize proposed charging us time (hourly rates) for the site access time. Is this permitted on the contract?

OGS Answer # 50:

No, the "Not to Exceed" Total Hourly Rates include all site access costs. Therefore, contractors cannot charge for site access time to secure facilities (or any other facility/project). The "Not to Exceed" Total Hourly Rates include these costs, and the contractor should not propose charging time (hourly rates) for site access. This does not relieve the contractor from paying its own employees as applicable during the site access period.

OGS Answer # 51:

I am a Public Authority. We are preparing to undertake a large project. As part of this, we are requesting a Performance and Payment Bond. We have not sent the request for Quotes to the contractors. Should we include the request for the Performance and Payment Bond when we request quotes/proposals or after we have determined the awardee?

OGS Answer # 51:

Any performance and payment bond should be requested by the authorized user at the time quote/proposal, not afterwards. The performance and payment bond costs must be included in the "Not to Exceed" NYS Net Pricing and the "Not to Exceed" Total Hourly Rates on the contract, and by extension in the pricing quoted to the customer, not as a separate line item.

Question # 52:

I am an authorized user. As part of this, the contractor is proposing to utilize a subcontractor and have the subcontractor provide materials which are not listed on Vendor A's centralized contract. Can I acquire these materials through the subcontractor utilization even though they are not on contract?

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

OGS Answer # 52:

No, the subcontractor utilization provisions cannot be used to acquire products/material which are not listed on the centralized contract. For these particular products, the contractor needs to submit a contract update request to OGS to add these to their contract and then they can be provided by a subcontractor under the contract, with the subcontractor charging at or below the "Not to Exceed" price.

Question # 53:

I am a school district. A contractor is asking me to sign their terms and conditions which include provisions related to Indemnification, early Termination, etc. Am I required to sign these.

OGS Answer # 53:

No, you are not permitted to sign any terms and conditions which waive your rights under the Centralized Contract. Contractors may offer more advantageous terms which are in the best interests of the state (and any authorized user) than those they agreed to with NYS.

Question # 54:

I am a Public Authority. We are looking into using your contract. As part of this, our Risk Analyst determined that we require additional insurance coverages beyond those required in the contract.

- A. Can I require additional insurance coverages?
- B. And if yes to Question # can the contractor charge more than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates for this add additional insurance coverage.

OGS Answer # 54:

- A. Authorized Users can require contractors to provide additional insurance coverages.
- B. No, contractors cannot charge more than the "Not to Exceed" NYS Net Pricing/Total Hourly Rates pricing on the contract. However, with these additional insurance requirements, they may not be able to give you as large an additional discount (better than the "Not to Exceed" pricing which needs to be documented in your procurement record.

III. System Acceptance/Acceptance Testing:

The State defines system acceptance as the "problem free" operation of a system/solution* after it is fully furnished** for a consecutive 30 day period commencing with the first day of business after the system/solution is fully operational. At that point, the authorized user reserves the right to test for up to 30 calendar days. Should the equipment fail to operate "problem free" during the 30 day acceptance period, the Contractor will correct the problem at no cost to the authorized user and the 30 day acceptance period will begin again. "Problem free" operation applies to ALL components of the system/solution provided by the contractor but does not include problems caused by the failure of any authorized user provided premise infrastructure, failure of any authorized users provided interface or systems or erroneous software/system programming by the authorized user.

An authorized user has the discretion to increase the 30 day acceptance period. At the conclusion of the Acceptance Testing Period, the authorized user may accept the system and notify the Contractor. Upon receipt of notification of acceptance by an authorized user payment may be made and any system warranty can commence.

The contractor must, if requested by the authorized user, provide performance criteria for acceptance testing.

The Contractor must perform at the request of the authorized user or as required by applicable laws or Building Code requirements, an acceptance test which simulates the normal operating conditions of the installed equipment, system, or solution. This test must comply with all applicable Building Code or Industry Standard requirements as applicable to ensure proper performance of the system/solution by the authorized user.

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

Authorized users reserve the right to require additional performance and acceptance testing standards at the time of purchase. The authorized user must identify such requirements in the purchase order to the Contractor.

In the event the Authorized User runs their own testing on the Product(s) provided by Contractor prior to acceptance, authorized users shall specific such tests and data sets to be authorized user. Where using its own data or tests, Authorized User must have the tests or representative set of data available upon delivery. This demonstration will take the form of a documented installation test, capable of observation by the Authorized User, and shall be made part of the Contractor's standard documentation. The test data shall remain accessible to the Authorized User after completion of the test.

In the event that the documented installation test cannot be completed successfully within the specified acceptance period, and the Contractor or Product is responsible for the delay, Authorized User shall have the option to cancel the order in whole or in part, or to extend the testing period for an additional thirty (30) day increment. Authorized User shall notify Contractor of acceptance upon successful completion of the documented installation test. Such cancellation shall not give rise to any cause of action against the Authorized User for damages, loss of profits, expenses, or other remuneration of any kind.

If the Authorized User elects to provide a deficiency statement specifying how the Product fails to meet the specifications within the testing period, Contractor shall have thirty (30) days to correct the deficiency, and the Authorized User shall have an additional sixty (60) days to evaluate the Product as provided herein. If the Product does not meet the specifications at the end of the extended testing period, Authorized User, upon prior written notice to Contractor, may then reject the Product and return all defective Product to Contractor, and Contractor shall refund any monies paid by the Authorized User to Contractor therefor. Costs and liabilities associated with a failure of the Product to perform in accordance with the functionality tests or product specifications during the acceptance period shall be borne fully by Contractor to the extent that said costs or liabilities shall not have been caused by negligent or willful acts or omissions of the Authorized User's agents or employees. Said costs shall be limited to the amounts set forth in the Limitation of Liability Clause for any liability for costs incurred at the direction or recommendation of Contractor. When Product is not accepted, it must be removed by the Contractor from the premises of the Authorized User within ten calendar days of notification of non-acceptance by the Authorized User. Rejected items not removed by the Contractor within the ten calendar day period shall be regarded as abandoned by the Contractor and the Authorized User shall have the right to dispose of Product as its own property. The Contractor shall promptly reimburse the Authorized User for any costs incurred in storage or effecting removal or disposition after the ten calendar day period.

*Note: "System/Solution" for this section shall mean, without limitation, all components of a physical security and facility system and solution provided under this contract by a contractor, including, but not limited to all products, installation labor, systems integration, and post-warranty remedial maintenance (see Contract Award Notification for the warranty provisions of the contracts). Products shall include, but not be limited to wiring, conduit, piping, ductwork, mounting racks/equipment, all hardware, software, sensing equipment, etc. provided, installed, and integrated by the contractor. This includes products, installation, and integration provided by subcontractors and for remedial maintenance as defined in the "Remedial Maintenance" section of the Contract Award Notification for any equipment repaired or replaced. Please also see the Contract Award Notification for the Warranty Provisions of the Contract.

**Note: "Fully furnished" for this section shall means that all products/materials have been provided, all installation labor/services performed, all systems integration (including, but not limited to programming, engineering, commissioning, etc.) and, for remedial maintenance as defined in RFP 20191. Please see the "Remedial Maintenance" section of Contract Award Notification for Additional information.

IV. Authorized User Insurance Verification:

All contractors are required to obtain and maintain certain insurance coverages. However, contractors are only required to obtain certain insurance at the time of Purchase, unless OGS has previously

Security & Facility Systems and Solutions AWARD 20191

How to Use Guidelines:

determined and received the necessary Proof of Insurance Coverage. The following insurance coverages may be required by Authorized Users at the time of purchase and are the responsibility of the Authorized User to ensure the contractor (or subcontractor) complies.

1. **Technology Professional Liability/Technology Errors and Omissions:**

Where the contractor or subcontractor is providing Computer Related Services (see below) which fit the scope of RFP 20191 (integrated with a physical security and facility system or public safety/law enforcement communication system), contractor or subcontractor shall obtain and maintain Technology Professional Liability Technology Errors and Omissions in the amount of not less than \$2,000,000 for damages arising from computer related services including the following: consulting, data processing, programming, system integration, software development, installation, distribution or maintenance, systems analysis or design, training, or other support services, any electronic equipment, computer hardware or software developed, manufactured, distributed, licensed, marketed or sold.

2. **Pollution Legal Liability**

If the work to be performed involves abatement, removal, repair, replacement, enclosure, encapsulation and/or disposal of any pollutants, which includes but are not limited to, petroleum, petroleum product, hazardous material or substance including asbestos, lead, fungus and those as defined by applicable State and federal laws and regulations, the Contractor shall procure, or otherwise obtain through an approved subcontractor, and maintain in full force and effect throughout the term of the Contract, and for two years after completion hereof, pollution legal liability insurance with limits of not less than \$5,000,000.00 providing coverage for bodily injury and property damage, including loss of use of damaged property or of property that has not been physically injured. Such policy shall provide coverage for actual, alleged or threatened emission, discharge, dispersal, seepage, release or escape of pollutants, including any loss, cost or expense incurred as a result of any cleanup of pollutants or in the investigation, settlement or defense of any claim, suit, or proceedings against the People of the State of New York, its officers, agents, and employees and all Authorized Users of any Contract resulting from this solicitation or arising from Contractor's work. The People of the State of New York, its officers, agents, and employees and all Authorized Users of any Contract resulting from this solicitation shall be named as additional insured and coverage shall be primary.

This requirement applies to mold as well, if excluded in the commercial general liability policy. If automobiles are to be used for transporting hazardous materials, the Contractor shall provide pollution liability broadened coverage for covered autos (endorsement CA 99 48 03 06 or CA 00 12 03 06) as well as proof of MCS 90.

3. **Railroad Protective Liability:**

When Work involves construction or demolition within 50 feet of rail stations, yards, tracks, or other railroad property, the contractor must delete the exclusion for work done within 50 feet of railroad property (the Railroad exclusion).